

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

JASON TITSWORTH,

Plaintiff,

vs.

EXPERIAN INFORMATION
SOLUTIONS, INC., TRANSUNION,
LLC, EQUIFAX INFORMATION
SERVICES, LLC, AND WELLS FARGO
EDUCATIONAL FINANCIAL
SERVICES, A SUBSIDIARY OF
WELLS FARGO BANK, NATIONAL
ASSOCIATION,

Defendants.

Civil Action No. 5:12-cv-00275-F

JOINT RULE 26(f) REPORT
DISCOVERY PLAN

NOW COME Plaintiff Jason Titsworth (“Titsworth”) and Defendants Experian Information Solutions, Inc. (“Experian”), TransUnion, LLC (“TransUnion”), Equifax Information Services, LLC (“Equifax”), and Wells Fargo Educational Financial Services, a subsidiary of Wells Fargo Bank, National Association (“Wells Fargo”) (collectively, the “Parties” or individually a “Party”), pursuant to the Court’s Order for Discovery Plan filed July 11, 2012 [Dkt. 27], Fed. R. Civ. P. 26(f) and Local Civil Rule 26.1(e)(2), and submit the following Discovery Plan:

1. The following persons conferred in a Rule 26(f) conference on **August 13, 2012**:

Leonard A. Bennett of the law firm CONSUMER LITIGATION ASSOCIATES, P.C. appeared for Plaintiff Titsworth;

Joseph S. Dowdy and Phillip A. Harris, Jr. of the law firm NELSON MULLINS RILEY & SCARBOROUGH LLP appeared for Defendant Wells Fargo;

Matthew R. Jolson of the law firm JONES DAY appeared for Defendant Experian; and

Marc F. Kirkland of the law firm STRASBURGER & PRICE, LLP appeared for Defendant TransUnion.

2. **Pre-Discovery Disclosures.** The Parties will exchange the information required by Fed. R. Civ. Pro. 26(a)(1) no later than **August 27, 2012**.

3. **Discovery Plan.** The Parties jointly propose to the Court the following discovery plan:

- a. Discovery to begin: **August 27, 2012**.
- b. Discovery will be needed on the facts and information related to the issues raised in the Complaint and Defendants' Answers, as they currently exist or as they are amended in the future.
- c. The Parties agree that the scope of electronic discovery be limited to email communications, (which may be produced as paper or .pdf images), documents and files on the parties' current computer systems, and to the extent any party maintains its file in electronic format rather than paper, such files may be produced electronically, as paper hard copies, or as .pdf images. The Parties propose that no party be required to search or produce system backup media, metadata, or files deleted in the ordinary course prior to commencement of this litigation.

Discovery Schedule:

- d. Fact Discovery to be completed by: **February 28, 2013**.
- e. The Parties propose to have reports from retained experts under Rule 26(a)(2) due as follows:
 1. Expert reports are due from plaintiff by: **December 15, 2012**;
 2. Expert reports are due from the defendants by: **January 15, 2013**;
 3. Rebuttal expert reports are due by: **January 22, 2013**.
- f. All Discovery (fact and expert) closes on: **February 28, 2013**.
- g. Supplementation of discovery responses after receipt of new information is required as per Rule 26(e).

Interrogatories:

- h. The Parties agree, with respect to interrogatories, to follow the requirements and limitations of Federal Rule 33.

Admissions:

- i. The Parties agree, with respect to requests for admission, to follow the requirements of Federal Rule 36.

Depositions:

- j. The Parties have conferred regarding an enlargement of the number of party and non-party depositions permitted each side or each Party pursuant to Federal Rule 30. In lieu of a specific number of permitted depositions, they have recommitted to work cooperatively and in good faith to determine the appropriate number of depositions as circumstances require. The Parties agree that the Parties may depose any and all expert witnesses identified by the Parties.
- k. The time limits for each deposition shall be as per Rule 30.

Discovery Period and Trial Dates:

- l. The Parties agree that the discovery period shall run through and include **February 28, 2013**, and that the case should be ready for trial by **October 21, 2013**.
- m. Pre-trial conference: **September 23, 2013**.
- n. Trial: **October 21, 2013**.
- o. Trial Length. The parties anticipate that the trial in this matter will take **three (3) days**.

Dispositive Motions:

- p. The Parties agree that any motions for summary judgment or other dispositive motions shall be filed no later than **April 1, 2013**.

4. Other Scheduling items.

- a. The Parties do not request to meet with the Court before a scheduling order.

- b. The Parties have not yet engaged in any settlement discussions.
- c. This case has been designated for mediation pursuant to Local ADR Rule 101.1a(b). The Parties discussed mediation and set the target date of **June 14, 2013**, to complete a mediated settlement conference.
- d. Deadline to join additional parties and/or to amend the pleadings for all Parties shall be no later than **January 18, 2013**.
- e. Final lists of witnesses and exhibits under Rule 26(a)(3) should be due from the Plaintiff by **August 12, 2013** and from the Defendants by **September 16, 2013**.
- f. Parties should have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).
- g. The case should be ready for trial by **October 21, 2013**, and at this time trial is expected to take approximately three (3) days.

Respectfully submitted this, the 27th day of August, 2012.

[SIGNATURE PAGE ATTACHED]

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that he electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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This the 27th day of August, 2012.

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